

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SAWDY, Michael Barry

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ART UNIT: 3636

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EXAMINER: Nelson Jr, M.

TITLE: VEHICLE FITTING

Amendment A: REMARKS

Upon entry of the present amendments, previous Claims 1 - 24 have been canceled and new Claims 25 - 48 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a more proper U.S. format and also for the purpose of distinguishing the present invention from the prior art.

In the Office Action, Claims 1, 3, 6 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Volz patent in view of the Kave patent. Claims 11, 12, 13 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over British Patent 2197628 in view of the Mach patent. Claim 17 was rejected as being obvious over the British patent in view of the Mach patent and further in view of the Marinelli patent. Claims 18 - 21 were rejected as being obvious over the Kave patent in view of the Silbert patent.

As an overview to the present reply, Applicant has revised original Claims 1 - 24 in the form of new Claims 25 - 48, respectively. New Claims 25- 48 express the original limitations in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein.

New independent Claim 25 reflects the limitations of previous independent Claim 1. original Claim 1 was rejected as being unpatentable over the Volz patent in view of the Kave patent. Initially, the disclosure of the Volz patent refers to a fairground or an amusement ride. It is important to note that the Volz patent does not include two important features shown in independent Claim 25. The Volz patent fails to show that the backrest can be moved from an initial rearward position to a forward position in which the backrest is spaced from the seat back mounting. The backs of the seats shown in the Volz patent are fixed in position. As such, the Volz patent does to disclose this feature.

Additionally, the Volz patent does not disclose the use of seat belts. Although the Examiner has recited the Kave patent, which does show the use of seat belts, Applicant respectfully contends that it would not be obvious to combine the seat belt of the Kave patent with the construction of the Volz patent. The Volz patent discloses the use of "lap bars" as is common with the fairground or amusement park rides. As such, these "lap bars" teach away from the use of seat belt. Use of seat belts is also very uncommon in fairground or amusement park rides. As such, it is unlikely that one having ordinary skill in the art would seek to replace the lap bars of Volz patent with the seat belt of the Kave patent.

Applicant respectfully contends that the combination of the Volz and Kave patent would still fail to show a critical feature of independent Claim 25. This feature is the ability of the backrest to be moved so as to be spaced from the seat back mounting. As such, Applicant respectfully contends that independent Claim 25 is patentably distinguishable from the prior art reference.

Relative to the Claim 35, reflect the limitations of previous independent Claim 11, the Examiner has rejected this claim based upon the combination of the British patent in combination with the Mach patent. The British patent discloses as seat having a "folding" squab (as shown in

Figure 1). This folding squab may be unfolded so as to lie flat against the backrest (as shown in Figure 2). Independent Claim 35 clearly specifies that the support may be moved to a position in which it "does not obstruct the space in front of the backrest". Since the squab of the British patent lies directly in front of the backrest, the support does obstruct the space in front of the backrest. It is not possible to access the backrest from the front of the seat once the squab has been move into the "stowed position" (as shown in Figure 2). The seat disclosed in the British patent is also slidable along a track with notches. It does not use "rollers" to do so. As such, the British patent does not show two important features of independent Claim 35.

With respect to the disclosure of the Mach patent, Applicant notes that this patent describes a "bench type" seat for use in the cab of a truck. A service hatch is provided in the floor of the cab. This service hatch must be opened to gain access to the truck's engine. The bench is mounted on rollers so that (as shown in Figure 3) when it is desired to access the engine, the bench can slide entirely out of the vehicle through one of the side doors.

Applicant respectfully disagrees with the Examiner's statement that these disclosures might be combined to arrive at the subject matter of independent Claim 35. The use of rollers in the Mach patent would appear to be appropriate since, (as can be clearly seen in Figure 3) it is necessary to move the seat through a very large distance in order to leave the entire floor of the truck cab uncovered. The seat of the British patent, however, does not need to be moved over a large distance. As such, there would be no reason to seek to replace the track system of the British patent with more expensive rollers, as disclosed in the Mach patent.

Once again, there appears to be little reason why a person with ordinary skill in the art would seek to combine the teachings of the British patent with the Mach patent. Even if these teachings

were combined, it appears that the result would not fall within the scope of independent Claim 35 since the critical feature of leaving the space in front of the backrest unobstructed would still be omitted. As such, independent Claim 35 is patentably distinguishable from the prior art references.

Independent Claim 42, reflecting the limitations of previous independent Claim 18, has been rejected based upon the combination of the Kave patent with the Silbert patent. The Silbert patent is a relatively old patent with a filing date of 1914. The Silbert patent simply describes an ergonomic chair. This ergonomic chair has a forward-protruding bulge level with the occupant's lower spine. It also discloses widened "wings" at the top corners of the backrest and includes recesses to accommodate the shoulder blades of an occupant of the chair.

The Examiner has stated that the Kave patent discloses the features of independent Claim 42 except for the feature of the seat back being wider at the top portion than the lower portion. Applicant respectfully contends that it would not be possible to use the seat disclosed in the Kave patent with a wheelchair since the Kave patent discloses no mechanism for the seat squab to be removed or maneuvered so as to not obstruct the space in front of the backrest. As such, Applicant respectfully contends that one having ordinary skill in the art would not seek to alter the design of the seat shown in the Kave patent to make it easier for wheelchair handles to be accommodated.

Additionally, with reference to the Silbert patent, the seat back in the Silbert patent would be wholly inappropriate for use with a wheelchair. The bulge in the seat back, which is level with an occupant's lumbar spine, and also has the angle of tilt of the top part of the seat back, would make the seat completely unsuitable for this purpose. The back of a wheelchair could not lie flush against the seat. If this seat back was used in a vehicle seat to accommodate a wheelchair user, the result would very uncomfortable and unsafe.

Applicant respectfully contends that one having ordinary skill in the art would have no motivation to combine the teachings of the prior art Kave and Silbert patents. Even if the patents were combined, the patents would fail to disclose to the unobstructed space in the front thereof. As such, Applicant respectfully contends that independent Claim 42 is patentably distinguishable from the prior art references.

Applicant has revised the drawing of Figure 6 so as to correct for the overly-extended lead line.

Based upon the foregoing analysis, Applicant contends that independent Claims 25, 35 and 42 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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Date

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